REMARKS

Entry of the above amendment and reconsideration of the above-referenced application in view of the above amendment, and of the following remarks, is respectfully requested.

Claims 10-13, and 15-23 are pending in this case. Claim 23 is added herein.

The Examiner rejected claims 10-13, and 15-22 under 35 U.S.C.§ 103(a) as being unpatentable over Anc in view of Mizushima, both of record, for the reasons given in the previous rejection, hereby incorporated by reference.

Applicant respectfully submits that claim 10 is patentable over Anc in view of Mizushima as there is no disclosure or suggestion in the references of implanting a precipitate region within the lattice structure and forming a gate structure over the substrate having the precipitate region therein, the precipitate region being noncontinuous. The term "noncontinuous" as used in the instant application is defined in the specification in the last sentence of paragraph [0023] as meaning "the implanted precipitate region 120 need not be a solid layer, such as might be found with a silicon-on-insulator (SOI) layer." The term "noncontinuous" is defined so as to help differentiate it specifically from SOI layers. SOI layers, such as layer 22 of Anc, differ from the claimed noncontinuous precipitate region in that the SOI layers are solid (oxide) layers. This difference exists whether or not the SOI layers extend across the entire device or are only formed in portions of the device, such as would be formed using the mask structure of FIG. 6 of Anc. In other words, the SOI layer formed at the exposed regions of FIG. 6 would be solid (after the anneal processes of Anc) at those regions where it was formed. Accordingly, Applicant respectfully submits that claim 10 and the claims dependent thereon are patentable over the references.

Applicant respectfully submits that newly added claim 23 is further patentable as there is no disclosure or suggestion in the references of the precipitate region being noncontinuous at an area below the gate structure. While Anc teaches using a mask in FIG. 6 to form the buried oxide in selected areas, there is teaching of a precipitate region being noncontinuous at an area below the gate structure. Accordingly, Applicant respectfully submits that claim 23 is further patentable.

In light of the above, Applicant respectfully requests withdrawal of the Examiner's rejections and allowance of claims 10-13, and 15-23. If the Examiner has any questions or other correspondence regarding this application, Applicant requests that the Examiner contact Applicant's attorney at the below listed telephone number and address.

Respectfully submitted,

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